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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**
12

13 DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
14 California,

15 Plaintiff, and

16 STEVEN J. CARAUDDO

17 Plaintiff-Intervenor

18 v.

19 LUCENT TECHNOLOGIES INC., and;
DOES 1 through 20,

20 Defendants.
21
22
23

CASE NO.: 3:07-cv-03747-PJH

**DEFENDANT LUCENT
TECHNOLOGIES' NOTICE OF
MOTION AND PARTIAL MOTION TO
DISMISS FOR FAILURE TO STATE A
CLAIM IN WHICH RELIEF CAN BE
GRANTED**

[FRCP 12(b) (6)]

Hearing Date: April 16, 2008
Time: 9:00 a.m.
Courtroom: 3, 17th Floor

Judge Phyllis J. Hamilton

24 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

25 Please take notice that on April 16 at 9:00 a.m. or as soon thereafter as the matter may be
26 heard in Judge Phyllis J. Hamilton's courtroom, Courtroom 3 located on the 17th Floor at
27 Courtroom 3, Defendant LUCENT TECHNOLOGIES, INC., a Delaware corporation
28 (hereinafter "LUCENT") will move, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an

1 order dismissing with prejudice the Fourth Cause of Action for Wrongful Termination in
2 Violation of Public Policy asserted in Plaintiff's Complaint in Intervention. This motion is based
3 on this notice of motion and memorandum of points and authorities, upon the papers, records and
4 pleadings on file herein, and upon any oral argument at the hearing on the motion.

5 DATED: March 11, 2008

EPSTEIN BECKER & GREEN, P.C.

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7 By: /s/ Leslie J. Mann
8 Leslie J. Mann
9 Rachel S. Hulst
Attorneys for Defendant
Lucent Technologies Inc.